

**MINUTES
REGULAR BOARD MEETING
Friday, November 7, 2014
209 South Green Street
Glasgow, KY**

PRESENT: Mark Woodward, D.C., President
Frank Hideg, D.C., Vice President
Terri Byers-Abston, D.C., Secretary
Rodney Casada, D.C., Member
Michael Seibert, D.C., Member
Karalee P. Oldenkamp, D.C., Executive Director
M. Keith Poynter, Board General Counsel

A quorum being present and after confirmation of proper notification of the Board meeting, the meeting was called to order by the President at 9:00 a.m. prevailing time.

ITEM I: MINUTES

A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to approve the minutes of the September 12, 2014 board meeting.

ITEM II: FINANCIAL REPORTS

Due to system problems following an update of the computer workstations, the financial reports were not available at this time.

ITEM III: BOARD OFFICE REPORT

The Board reviewed the Board Office Report and a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to have Drs. Woodward and Abston, along with Board Counsel to attend the Jurisprudence course on January 24, 2015. A second motion was made by Dr. Hideg, seconded by Dr. Abston and passed 5-0 to nominate Dr. Seibert to attend NBCE Part III Test Committee.

ITEM IV: LEGISLATIVE CHANGES

The Board reviewed proposed language for a legislative amendment to the Motor Vehicle Reparations Act. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to move forward with filing of the legislation.

ITEM V: ADMINISTRATIVE CASES 12-032/12-038
No action was taken.

ITEM VI: ADMINISTRATIVE CASE 13-009
This case is still being negotiated.

ITEM VII: ADMINISTRATIVE CASE 13-024
An Administrative Complaint and Notice of Hearing have been filed and this case is pending.

ITEM VIII: ADMINISTRATIVE CASE 13-028

A Hearing date has been set for January 21-22, 2015.

ITEM IX: ADMINISTRATIVE CASE 14-004

An Administrative Complaint and Notice of Hearing shall be filed unless the signed Agreed Order is received, which would close the case.

ITEM X: ADMINISTRATIVE CASE 14-006

This case is still being negotiated.

ITEM XI: ADMINISTRATIVE CASE 14-011

This case is pending receipt of information regarding criminal charges.

ITEM XII: ADMINISTRATIVE CASE 14-014

This case is being combined with 13-009 and 13A-006 for a joint settlement which is still in negotiation.

ITEM XIII: ADMINISTRATIVE CASE 14-019

The signed Agreed Order was received and accepted by the Board. This case is closed.

ITEM XIV: ADMINISTRATIVE CASE 14-020

This case is continued pending further investigation.

ITEM XV: VIOLATION OF AGREED ORDER
ADMINISTRATIVE CASE 11-009

This case is continuing in Franklin Circuit Court.

ITEM XVI: VIOLATION OF AGREED ORDER
ADMINISTRATIVE CASE 14-021

Agreed Order has been offered to close the case without need for a hearing if they will serve their suspension. Case will be closed if signed Agreed Order is received.

ITEM XVII: VIOLATION OF AGREED ORDER
ADMINISTRATIVE CASE 14-023

Agreed Order has been offered to close the case without need for a hearing if they will serve their suspension. Case will be closed if signed Agreed Order is received.

ITEM XVIII: ADVERTISING CASE 13A-006

This case is being combined with 13-009 and 14-014 for a joint settlement which is still in negotiation.

ITEM XIX: ADMINISTRATIVE CASE 14-026

The Board reviewed the information and a motion was made by Dr. Hideg, seconded by Dr. Casada and passed 5-0 to send Dr. Barrett a response stating that his facility name must be compliant with KRS 312.145 everywhere it appears.

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ITEM XX: ADMINISTRATIVE CASE 14-027

This case is continued pending criminal charges.

ITEM XXI: ADMINISTRATIVE CASE 14-028

Upon review of the complaint and his response, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to notify Dr. Bee that since he had not proceeded with that type of billing, there was no violation and the complaint was dismissed. However, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to offer an Agreed Order for violation of KRS 312.145 (4), which if accepted will close this issue.

ITEM XXII: ADMINISTRATIVE CASE 14-029

The Board reviewed this case and a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to file a Complaint and Notice of Hearing.

ITEM XXIII: ADMINISTRATIVE CASE 14-030

The Board reviewed this case and the letter of concern shall be mailed to the licensee for response.

ITEM XXIV: ADMINISTRATIVE CASE 14-031

The Board reviewed this case and a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to have Dr. Hideg do a site visit.

ITEM XXV: ADMINISTRATIVE CASE 14-032

The Board reviewed this case and a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to offer an Agreed Order for settlement of this case and the terms discussed and to dismiss this case if a signed Agreed Order is received.

ITEM XXVI: MOTION TO ENTER CLOSED SESSION

RE: MALPRACTICE CASES 14M-001, 14M-002

A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to enter executive session to discuss malpractice cases 14M-001 and 14M-002 pursuant to KRS 61.810 (1)(j). The Board reviewed this case and a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to go back into open session. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to send a letter to Rita Goldman, D.C., facility owner, for a 20-day response and also to offer Agreed Orders for settlement to Dr. David in 14M-001 and Dr. Lyles in 14M-002 concerning billing practices.

ITEM XXVII: MOTION TO AMEND AGENDA

RE: INITIAL LICENSURE OF ROBERT MOORE, D.C.

A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to amend the agenda to discuss the initial licensure of Robert Moore, D.C. Dr. Moore was present and addressed the board concerning his pre-chiropractic education. A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to deny him licensure since he did not meet the requirements. After discussion, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to draft a regulation change to 201 KAR 21:090 and take out specific requirements and add in the requirement of a bachelor degree beginning for anyone matriculating in 2016. A motion was then made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to resume the agenda.

ITEM XXVIII: ADVERTISING CASE 14A-005

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The Board reviewed the complaint and the licensee's response. A motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to offer the standard Agreed Order for right of rescission violation and if signed, dismiss the case.

ITEM XXIX: ADVERTISING CASE 14A-006

The Board reviewed the complaint and the licensee's response. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to dismiss the case.

ITEM XXX: ADVERTISING CASE 14A-007

The Board reviewed the complaint and the licensee's response. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to offer the standard Agreed Order for right of rescission violation and if signed, dismiss the case.

ITEM XXXI: ADVERTISING CASE 14A-008

The Board reviewed the complaint and the licensee's response. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to offer an Agreed Order and if accepted dismiss the case.

ITEM XXXII: INITIAL LICENSE APPLICATION

RE: CHARLES O'NEILL, D.C.

The Board reviewed the initial application of Dr. O'Neill and questions concerning his application were not answered by the affidavits included. A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to ask Dr. O'Neill to attend the January 23, 2015 Board meeting to answer questions concerning his disciplinary sanction in Texas.

ITEM XXXIII: LICENSE ACTIVATION

RE: KEVIN STATOM, D.C.

The Board reviewed the activation application and a motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to activate Dr. Statom's license.

ITEM XXXIV: ADVERTISEMENTS TO REVIEW

The Board reviewed advertisements and a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to give Everwell Chiropractic a complaint number and send a letter requesting more information to be reviewed at the next meeting. A second a motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to ask Dr. Mueller for proof of education regarding his advertisement which if sufficient will close this issue.

ITEM XXXV: CORRESPONDENCE FROM PODIATRY BOARD

RE: DEAN TINDALL, D.C.

The Board reviewed correspondence from the Board of Podiatry concerning Dr. Dean Tindall. A motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to initiate a complaint and review Dr. Tindall's response at the next meeting.

ITEM XXXVI: CORRESPONDENCE FROM AMERICAN SPECIALTY HEALTH

The Board reviewed correspondence from American Specialty Health concerning online education. A motion was made by Dr. Hideg, seconded by Dr. Abston and passed 5-0 to reply to ASH that online education is not permitted in our law.

ITEM XXXVII: FIELD COORDINATOR REPORT

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The Field Coordinator updated the Board on field visits. He discussed information relating to Champion Family Chiropractic and a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to initiate a complaint and review the response at the next meeting. The Board also reviewed a letter from Sword, Floyd and Moody regarding payment plans and a motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 5-0 to send a response that the law is clear that pre-payments may not be accepted. It was also discussed that the Board will consider changes to their regulations concerning offices and clinics at its next meeting.

ITEM XXXVIII: CORRESPONDENCE FROM STEVE JONES, D.C.

No action was taken at this time.

ITEM XXXIX: CORRESPONDENCE FROM WILLIAM RADEMAKER

The board reviewed correspondence from William Rademaker concerning support of a resolution to be presented to the FCLB. A motion was made by Dr. Hideg, seconded by Dr. Abston and passed 5-0 to have Board Counsel send a letter to Dr. Rademaker stating the the Board will not formally adopt his resolution, but that KRS 312.017 and KRS 312.019 are in agreement with his concerns.

ITEM XL: ISSUES OF PASTORAL MEDICAL ASSOCIATION

The Board reviewed the cases concerning the PMA and PScD titles and the cease and desist letters which have been mailed out. A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to initiate Formal Complaints against the licensees who have not heeded the letter from the Board for non-compliance. An Agreed Order may be offered for settlement which if accepted will close the cases.

ITEM XLI: SET BOARD MEETING DATES

The Board set a future board meeting for Friday, March 20, 2015.

ITEM XLII: TRAVEL AND PER DIEM

A motion was made by Dr. Seibert, seconded by Dr. Casada and passed 5-0 to approve the travel expenses and per diems relating to today's meeting.

ITEM XLIII: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. Seibert, seconded by Dr. Hideg and passed 5-0, the meeting was adjourned.

Respectfully submitted:

Karalee P. Oldenkamp, D.C.
Executive Director

ATTESTED:

Mark Woodward, D.C.

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President